

Kyrgyz Republic (Tier 2)

The Government of the Kyrgyz Republic (or Kyrgyzstan) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore the Kyrgyz Republic remained on Tier 2. These efforts included investigating and prosecuting more trafficking cases; collaborating with a foreign government on an international trafficking case; adopting the 2022-2025 NAP; and establishing a National Anti-Trafficking Rapporteur. However, the government did not meet the minimum standards in several key areas. Resources for victim services and the availability of shelter for victims, especially children and male victims, remained insufficient. The government did not uniformly apply SOPs to identify trafficking victims among vulnerable populations, likely resulting in the inappropriate penalization of some unidentified victims for unlawful acts committed as a direct result of being trafficked. The government did not secure any convictions for a second consecutive year.

PRIORITIZED RECOMMENDATIONS: Increase efforts to proactively identify trafficking victims and refer them to services, particularly among vulnerable populations including individuals in commercial sex; female victims of crime; Kyrgyzstani and foreign national migrant workers; and LGBTQI+ individuals. * Consistently implement and train officials on the NRM and SOPs on victim identification and referral to care and ensure the Ministry of Foreign Affairs and the National Security Service formally adopt the SOPs. * Vigorously investigate and prosecute alleged traffickers and seek adequate penalties for convicted traffickers, which should involve adequate prison terms, including complicit government officials, utilizing the articles of the criminal code relating to trafficking in persons. * Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked. * Increase trafficking-specific training for law enforcement, including on the relevant trafficking related criminal code articles. * Increase funding and in-kind support for victim services, including

long-term services, social reintegration assistance, and shelters for men and child victims of trafficking. * Strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor, including by increased training on human trafficking and allowing unfettered access to factories, construction sites, and farms. * Provide increased resources for law enforcement units designated to investigate online child sex trafficking and other cyber-facilitated trafficking crimes. * Develop mechanisms to prevent trafficking of returned migrants and families that depend on remittances, including by coordinating with international organizations and civil society. * Establish and implement child-friendly procedures for investigations and prosecutions. * Establish and implement a comprehensive anti-trafficking data collection system for use by law enforcement and inter-ministerial coordinating bodies. * Eliminate all employee-paid recruitment fees for Kyrgyzstani migrant workers.

PROSECUTION

The government increased law enforcement efforts. Articles 166, 167, and 170 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to six years' imprisonment for offenses involving adult victims, and five to eight years' imprisonment for those involving child victims. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Prosecutors could also charge traffickers using Article 159 for engaging a person in prostitution through the use of force or the threat of force or fraud, which was punishable by a fine or imprisonment of up to five years if the victim was an adult, and five to 15 years' imprisonment under aggravating circumstances, including the involvement of children.

The government reported investigating 30 trafficking cases, compared with six trafficking cases the previous year. Trafficking criminal cases are often not brought to court or are charged under a different article of the criminal code. The government reported prosecuting three defendants, two for sex trafficking and one for labor trafficking, compared with no prosecutions reported in the previous year. The government did not secure convictions

for a second consecutive year. In previous years, some trafficking prosecutions featured elements that were inconsistent with the definitions of trafficking as established in international law, such as the sale of infants. The government collaborated with the Government of Türkiye on a sex trafficking case involving a Kyrgyzstani victim; one Kyrgyzstani suspect was in custody.

The government's NRM allowed civil society and international organizations to file criminal complaints to law enforcement on behalf of victims. In previous years, victim advocates reported a general lack of proactive investigation and the need for systemic training for law enforcement, prosecutors, and judges, particularly on victim identification and gathering evidence beyond victim testimony. The government, in collaboration with international organizations, trained judges, prosecutors, police, migration officers, consular officers, and labor inspectors on combating trafficking, victim assistance, and investigating and prosecuting cases.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes; however, corruption remained a significant concern, inhibiting law enforcement action. Law enforcement officials and judges have in the past accepted bribes to drop cases and, at times in recent years, warned suspects prior to law enforcement operations. Observers noted stigmatization and a corrupt criminal justice system deterred victims from seeking assistance from authorities. International organization experts noted widespread impunity and lack of effective prosecution. Civil society noted limited knowledge of trafficking crimes and political will hindered law enforcement efforts.

PROTECTION

The government maintained efforts to protect victims. The government reported identifying seven victims – three female sex trafficking victims and four male forced labor victims – compared with five victims in the previous reporting period. Civil society identified 66 victims – 18 sex trafficking victims (17 adult females and one girl), 47 forced labor victims (26 adult

males, 19 adult females, one boy, and one girl), and one girl victimized in forced criminality; 48 were Kyrgyzstani and 18 were foreign nationals from Uzbekistan, Bangladesh, and Russia (one sex trafficking victim and 17 forced labor victims). The government collaborated with an international organization in the identification and referral of a victim in a sex trafficking case in Türkiye.

The government had an NRM on victim identification and referral to care, including provision of social services and specific guidance for assisting child victims. The government did not require victims to participate in a criminal case to receive assistance. The government's SOPs for victim identification, to complement the NRM, were formally adopted by the majority of agencies in charge of implementing the NRM; two agencies have not formally adopted SOPs. Observers noted the criteria for identifying victims was convoluted and the NRM and SOPs – sporadically used by officials – lacked specific procedures to screen vulnerable populations, such as children, low-income families, and migrants. According to observers, the roles of some of the implementors of the NRM were not clear and there was insufficient capacity and understanding of trafficking and how the NRM worked among stakeholders, including law enforcement. Civil society previously reported the NRM lacked specific measures outlining assistance for foreign victims and did not feature language explaining how NGOs could appeal in instances when the government failed to properly identify victims; foreign nationals, such as Tajikistanis and Uzbekistanis, were less likely to be identified as victims of forced labor and referred for services. In August 2022, the governments of Kyrgyz Republic, Kazakhstan, and Uzbekistan established a working group to create a transnational referral mechanism for victims.

The government provided 4 million Som (\$46,000) in financial assistance for NGOs supporting trafficking victims but continued to heavily rely on civil society for victim assistance. NGOs operated two crisis centers that could provide shelter and services for women and child victims located in Bishkek and Osh. Officials often placed child trafficking victims in state-run orphanages due to a lack of specialized care available, and adult male

victims were directed to homeless shelters. The government did not have a policy to provide long-term shelter or residency options for foreign victims. Civil society reported repatriating 16 foreign forced labor victims from Kyrgyzstan. The government took steps to repatriate 59 highly vulnerable women and children born to Kyrgyzstani nationals who had traveled alongside relatives to armed conflict zones in Syria.

Investigative judges had the ability to receive victim witness testimony via video; however, the government did not report if any victims benefitted from this provision. The government amended its law on State-Guaranteed Legal Aid to expand eligibility for free preliminary legal consultations to trafficking victims; however, it did not report facilitating such consultations. Trafficking victims were also eligible for pro bono legal services; however, civil society reported concerns with the quality of lawyers or psychologists provided by the government. The government did not maintain or implement child-friendly procedures for the investigation or prosecution of cases. Reports indicated female survivors of violence, which may include trafficking victims, faced multiple barriers to accessing services and justice due to a lack of response from authorities, shame, and harmful stereotypes and practices, which were compounded by a lack of shelters and other services. Article 166 of the criminal code exempted victims from criminal liability for low-level criminal acts committed as a direct result of being trafficked. Due to inconsistent use of formal identification procedures, authorities may in the past have detained, arrested, or deported some unidentified victims. The government reported it sent formal appeals requests to Hungary and Italy to prevent the punishment of Kyrgyzstani victims detained as a direct result of being trafficked. It was previously reported that the government did not provide foreign victims with legal alternatives to their removal to countries in which they may face hardship or retribution. The government reportedly detained and deported a small number of Uyghurs and ethnic Kyrgyz to the People's Republic of China (PRC), increasing their vulnerability to trafficking.

PREVENTION

The government increased efforts to prevent trafficking. The Ministry of

Labor, Social Development and Migration (MOL) serves as the anti-trafficking national coordinating body and leads the anti-trafficking interagency working group. In April 2022, the government adopted the 2022-2025 NAP to enhance cooperation among government agencies, NGOs, and international organizations. The NAP is not funded from the state budget and most activities are supported by international organizations and NGOs. The government continued to conduct awareness campaigns throughout the country. The government lacked a uniform system of collecting data on its anti-trafficking efforts, which continued to hinder efforts. Nonetheless, the government established a National Anti-trafficking Rapporteur under the Migration Council of the Parliament during the reporting period to report on the government's anti-trafficking efforts.

The government, with the support of an international organization, continued to operate the Center for Employment of Citizens Abroad, under MOL, that provided 66,325 individuals, including via online channels and a hotline, with information on employment services, vacancy advertisements, and licensed foreign labor recruitment agencies; it carried out awareness-raising activities on safe migration and legal employment of citizens abroad and offered pre-departure orientation – which included trafficking prevention – for jobseekers. The government maintained a publicly available database of private employment agencies with information on agencies licensed by the government. By law, recruitment agencies could charge a maximum pre-departure fee of 1,000 Kyrgyzstani soms (\$12) to Kyrgyzstani migrant workers seeking employment overseas, but some charge significantly more; 135 agencies out of the 160 agencies licensed by the government charged workers fees. In October 2022, the government reintroduced a moratorium that does not permit routine or unannounced inspections, including for labor violations or use of child labor, which increases difficulties in ensuring compliance with the Kyrgyz Republic's labor laws. The government reported the labor inspectorate conducted 711 inspections and 176 unannounced inspections between January and October, mostly in markets, manufacturing sites, and agricultural processing plants; some involved allegations of possible child labor. Observers reported inspectors often do not assess penalties or refer cases to law

enforcement, instead providing employers time to make corrections. According to observers, some government officials have harassed labor union activists. The Ministry of Foreign Affairs maintained satellite offices in Russia, which continued to be the primary destination country for Kyrgyzstani labor migrants. The government trained its diplomatic personnel on human trafficking and collaborated with international organizations to train consular officers serving in 30 countries on victim identification. The government did not provide anti-trafficking training to its troops prior to their deployment as peacekeepers. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE: As reported over the past five years, human traffickers exploit domestic and foreign victims in the Kyrgyz Republic, and they exploit victims from the Kyrgyz Republic abroad. Adult male labor migrants working abroad are reportedly at the highest risk of trafficking. Kyrgyzstani men, women, and children are exploited in forced labor in Russia and Kazakhstan, and to a lesser extent in Türkiye, Ukraine, Georgia and other European countries, as well as within the Kyrgyz Republic – specifically in agriculture, construction, service sectors, textiles, domestic service, and childcare. Young men and women from rural areas and low-income families, children in the child welfare system, and orphans are vulnerable to trafficking. As a result of a Russian labor migrant reentry ban, applicable to migrants who allegedly violated Russian laws, currently around 35,000 Kyrgyzstani migrants are unable to return legally to Russia for work; some unemployed Kyrgyzstani migrant workers likely remain undocumented in Russia, and traffickers may leverage threats of deportation as a coercive tool to exploit migrants in forced labor or sex trafficking. Kyrgyzstani families on the “Russian blacklist” often send their children to work in Russia, where they are vulnerable to trafficking. Russia continues to be a major destination for Kyrgyzstani labor migrants, but due to economic disruptions, fluctuations in the Russian ruble’s exchange rate, and conscription into military service as a result of Russia’s war against Ukraine, many may become vulnerable to trafficking as they may be compelled to return to the Kyrgyz Republic or encouraged to seek new job opportunities. Observers have reported some children, mostly teenage girls, have been

forced to repay family debts by working in Russia and Kazakhstan as nannies and domestic workers – these children are also vulnerable to sex trafficking. Kyrgyzstani migrants in Russia, including those detained in Russian prisons, are forced or fraudulently recruited to fight in Russia’s war against Ukraine. Kyrgyzstani nationals employed by Russian companies operating in Russian-occupied territories of Ukraine may be vulnerable to trafficking.

Within the Kyrgyz Republic, the practice of “bride kidnapping” by Kyrgyzstani men continues to place women and girls at risk of forced marriage that may subsequently lead to sex trafficking and forced labor. Reported cases of violence against women have drastically increased in the Kyrgyz Republic – along with obstacles to accessing justice and services – and may drive victims to seek and accept unsafe employment opportunities and migrate through unofficial migration channels, which can then be exploited by traffickers. Some traffickers exploit girls in sex trafficking in nightclubs, often under the influence of drugs; traffickers then exploit victims’ substance use to maintain control and as a means of coercion. Observers noted a pronounced increase in the use of fraudulent online recruitment channels by trafficking syndicates, including through social media platforms and online market places. International organizations reported victims of sex trafficking are forced to perform live streaming sex acts. Observers reported some trafficking victims are forced to recruit other victims for sex trafficking. Traffickers exploit Kyrgyzstani women and girls in sex trafficking abroad in India, Kazakhstan, Russia, the Republic of Korea, Türkiye, the United Arab Emirates (UAE), and within the country. Women and teenage girls from Uzbekistan and Tajikistan may be exploited in sex trafficking in Kyrgyz Republic; the southern region is increasingly becoming a destination for traffickers to exploit Uzbekistani and Tajikistani citizens in sex and labor trafficking, including in the agriculture, construction, and service sectors. Some Uzbekistani migrants face extortion by Kyrgyzstani border guards, which increases their risk to trafficking. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia, Kazakhstan, the UAE, and Türkiye, where they may be exploited in sex and labor trafficking. PRC nationals employed at mining and construction projects under the auspices of the Belt and Road Initiative

within the Kyrgyz Republic experience conditions indicative of forced labor.

Unaccompanied children who engage in begging and children engaged in domestic work – often in the homes of extended family members – are vulnerable to traffickers. Some Kyrgyzstani children are vulnerable to forced labor in agriculture, animal husbandry, restaurants, markets, construction, and trash collection. Children with disabilities and children of migrant workers abroad are vulnerable to trafficking. Observers reported some Kyrgyzstanis are forced to smuggle drugs. Some members of the LGBTQI+ community may be vulnerable to trafficking. Pervasive social stigma and reports of police brutality against LGBTQI+ individuals attempting to report crimes may dissuade LGBTQI+ trafficking victims from seeking assistance. Kyrgyzstani citizens of areas affected by border clashes with Tajikistan are vulnerable to trafficking due to their displacement. Kyrgyzstani men who traveled to Syria, Iraq, and Afghanistan to fight alongside or seek employment within armed groups brought their families with them, at times under deception. The Kyrgyzstani citizens left in these conflict zones, including children, may be at risk of trafficking, including in refugee camps in Syria. Kyrgyzstani children in these camps are at risk of recruitment by armed groups.